

REMARKS/TRAVERSAL

Status of the Claims

Claims 1-35 are pending in the instant application. The instant application was filed with 32 claims number 1-12 and 14-33. The Restriction Requirement noted that the original claim set did not include a claim numbered 13 and required Applicants to correct the numbering error. Applicants filed a Response to the Restriction Requirement which included an amended claim set in which the numbering error was corrected. More specifically, former claim 14 was renumbered as claim 13 and each subsequent claim was numbered 14 through 32. Because it is difficult to read a strikethrough font for some of the numbers that are being amended, Applicants have used double brackets to indicate the numbers that are being amended.

In an attempt to put the claims into a format that was amenable to examination in accordance with the Examiners Restriction Requirement Applicants drafted 3 additional claims numbered 33 through 35, which were presented for the first time in the response to restriction requirement.

In the event that the previously filed Claim Listing was not entered into the record due to the Examiner's finding that the response filed on August 30, 2006 was not fully responsive, The Claim Listing which was originally submitted in the August 30th response is being resubmitted with this submission.

Restriction Requirement

The requirement for restriction which was imposed on May 3, 2006 instructed the Applicants to restrict the subject matter of the instant application to Groups 1-X', wherein X' represents the number of combinations of the amino acid sequences that result from the various combinations of V_H and V_L sequences recited in the original claims.

Applicants, note that the Restriction Requirement also indicates that Claims 1-12 link inventions 1-X' as set forth in the original claim set. Upon allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from, or otherwise including all the limitations of the linking claims, will be entitled to examination in the instant application.

Applicants expressly reserve the right to pursue the subject matter of the non-elected claims in one or more divisional and/or continuing application(s).

Applicants note for the record that there is some ambiguity in the suggestion provided by the Examiner in the Restriction requirement. It appears as if the Examiner suggested that Applicants elect one group (*of anti-VEGF antibodies*) consisting of a specific SEQ ID NO: for V_H and one or/*more* SEQ ID NO: for V_L (Office Action, page 3) (*italics* added to provide Applicants

interpretation of the Examiner's request). The new claims are drafted in a manner that is intended to be responsive to this interpretation of the Examiners suggestion, and the original Response to Restriction Requirement represents a bona fide attempt to respond to the Restriction Requirement.

Claim Amendments

In order to comply with the Examiner's request to correct the numbering error made in the originally filed claims Applicants response included amendments that corrected the numbering error. In addition, Applicants amended the claims to make it easier to assign the claims to groups.

In order to address the numbering error, all of the claims which required renumbering, but which were not being amended for any other reason, were assigned the status identifier "Withdrawn-currently amended." This designation was used to reflect the fact that the claims are being renumbered.

In addition, Applicants included three new claims (claims 33-35) each of which define a small group of anti-VEGF antibodies which share a common feature (i.e., a V_H or V_L sequence). Each group of antibodies proposed by Applicants includes antibodies that are defined by reference to specific SEQ ID NOS: for their V_H and V_L sequences.

A review of the claim listing submitted in response to the Restriction Requirement indicates that Applicants restructured the claim set and proposed 4 groups of anti-VEGF monoclonal antibodies, any one of which could be examined along with the linking claims (i.e., claims 1-12) identified by the Examiner. The 4 proposed groups of antibodies suggested by Applicants are:

Group I (former claim 29 (now claim 28), and claims 1-12)

As amended claim 29 defines a group of 7 anti-VEGF antibodies. All of the antibodies recited in claim 29 share a common V_L sequence (SEQ ID NO: 28), and have a unique V_H sequence (SEQ ID NO: 88, SEQ ID NO: 90, SEQ ID NO: 91, SEQ ID NO: 106, SEQ ID NO: 07, SEQ ID NO: 108, and SEQ ID NO: 109).

Group II (new claim 33, and claims 1-12)

Newly drafted claim 33 defines a group of 21 anti-VEGF antibodies. The group comprises 21 antibodies resulting from the pairwise combination of 7 V_H sequences identified by specific SEQ ID NOS: (SEQ ID NOS: 88, 90, 91, 106, 107, 108 and 109) in combination with 3 V_L sequences identified by specific SEQ ID NOS: (SEQ ID NOS: 26, 28 and 36).

Group III (new claim 34, and claims 1-12)

Newly drafted claim 34 defines a group of 3 anti-VEGF antibodies. The three antibodies share a common V_H sequence defined by SEQ ID NO: 106, in combination with a V_L sequence that is defined by either SEQ ID NO: 26, SEQ ID NO: 28 or SEQ ID NO: 36.

Group IV (new claim 35, and claims 1-12)

Newly drafted claim 35 defines a single anti-VEGF antibody comprising a V_H sequence defined by SEQ ID NO: 106 and a V_L sequence defined by SEQ ID NO: 28.

Election

Applicants understand that in order for a response to restriction requirement to be deemed responsive, an election which complies with the restriction requirement must be made. Accordingly, Applicants provisionally elect the subject matter of Group IV, claims 1-12 and 35 for examination on the merits, with traversal for the reasons already of record which are repeated below for the Examiners convenience.

The claims elected for examination include the linking claims (i.e., claims 1-12) identified by the Examiner and claim 35 which recites a single anti-VEGF monoclonal comprising a V_L and V_H pair consisting of SEQ ID NO: 28 and SEQ ID NO: 106, respectively.

However, Applicants would prefer to prosecute the subject matter of either Group I (claims 1-12 and renumbered claim 28) or Group II (claims 1-12 and 33) or Group III (claims 1-12 and 34) and respectfully request that the Examiner review the groupings proposed by the Applicants and in the interest of furthering the examination of the invention disclosed in this application, reconsider the restriction requirement that is being imposed. Accordingly, for the reasons made of record (restated below for the Examiner's convenience) in the Response filed on August 30th, Applicants reiterate their traversal.

Traverse/Request for Reconsideration of the Restriction Requirement

Applicants are of the opinion that examination of the antibodies recited in anyone of claims 29 (now claim 28), 33, or 34 would not impose a burden on the Examiner that differs significantly

from the burden associated with examination of the single combination of V_H and V_L that is recited in claim 35.

This belief is partially based on the observation that the seven (7) anti-VEGF antibodies encompassed by the scope of claim 28, as amended, *all share a common V_L sequence*. The three (3) anti-VEGF antibodies encompassed by claim 34 *share a common V_H sequence*. Accordingly, the search obligation that will be required to examine the antibodies encompassed by either of these claims will not be significantly different from the searches that will have to be performed to examine the subject matter of claim 35 which recites an anti-VEGF antibody comprising a single V_H and a single V_L polypeptide. Applicants respectfully suggest that examination of the antibodies recited in claim 33 which includes 21 pairwise combination of seven V_H and three V_L amino acid sequences would not impose an unreasonable hardship on the Examiner, because the same prior art that will have to be considered for the examination of any one of the 21 antibodies would have to be considered for all of the antibodies.

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